UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/722,174	11/25/2000	Kia Silverbrook	NPA081US	3854

24011 7590 10/16/2008

SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

EXAMINER	
GRAHAM, CLEMENT B	
ART UNIT	PAPER NUMBER
3696	

MAIL DATE	DELIVERY MODE
10/16/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/722,174	SILVERBROOK ET AL.	
	Examiner	Art Unit	
	Clement B. Graham	3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 July 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5,8-25,27-31,36-40 and 42-47* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3, 5, 8-25, 27-31, 36-40, 42-47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-3, 5, 8-25, 27-31, 33-40, 42-47, remained pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action: (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in Graham v. John Deere Co., 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

3. Claims 1-3, 5, 8-25, 27-31, 33-40, 42-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perazza patent (5,326,959) in view of Sekendur U.S Patent 5, 477, 012 in view of Kotaki et al (Hereinafter U.S Patent 5, 408, 593).

As per claim 1, Perazza discloses a method of enabling payment of a bill, said method comprising the steps of:

providing a bill containing information relating to a requested payment, the bill including a plurality of tags, each tag containing coded dam indicative of an identity of the bill and of a location of that tag on the bin, placing an optically imaging ("i. e, suitable optical character reader" see column 5 lines 30-35")

an operative position relative to the bill;

imaging a tag (see column 5-7 lines 1-67 and column 18 lines 27-67)

generating indicating data in the using the coded data contained in the image tag said indicating data regarding the identity of the bill and the position of a nib of the pen relative to the bill; and transmitting the indicating data to a computer system such that the computer system can identify from the indicating data at least one parameter

relating to the requested payment and enable payment of the bill .(Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

Perazza fail to explicitly teach pen having a nib.

However sckendur discloses provide a system that most closely emulates the use of pen and paper. Accordingly, the present invention proposes the use of a surface (paper) formatted with a position-related coding means for indicating X-Y coordinates capable of reflecting a frequency of light. The stylus (pen) has a light source of a frequency for illuminating the surface. The frequency of light is absorbed by the surrounding surface but reflected by the coding means back into the stylus onto a charge-coupled device (CCD) chip located within the stylus. The information is sent to a computer for processing and finally output to the user. The frequency(s) of light to be used depends on the application. For example, infrared light and light reflecting means can be used for hand writing on paper to be invisible and not interfere with the written text.(see column 4 lines 1-67 and column 5 lines 1-35 and column 2 lines 1-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Perazza include pen having a nib taught by sckendur in order to generate computer data from obtaining and outputting the position and/or movement of a moveable element in a data space, in two or three dimensions, such as might be used for determining the position and/or movement of a pen on or over paper.

Perazza and sckendur fail to explicitly teach computing a position of the nib from an observed prospective distortion on the image tag and a known geometry of pen of pen optics.

However Kotaki discloses the operation processor includes a main processor for controlling the operation of the apparatus; a painting front-end processor for calculating interpolation values by processing pen coordinate values and pen nib pressure values from the input device when executing a command relating to pen painting, and delivering calculated values composed of center coordinate values of a circle painting unit and a radius "b" of the circle unit; a painting address operation processor for supplying addresses to the frame memory corresponding to the coordinate values of the

input device; a Z-operation processor for calculating the distance "a" extending from the pixel address integer value Pn calculated by the painting address operation processor to the center value of the circle painting unit and the difference "c" between this distance "a" and the painting radius "b", and delivering the calculated values Z corresponding to the painting radius i.e. the nib diameter, by referring to a table with the calculated value "c"; and an anti-aliasing processor for receiving the calculated value Z from the Z-operation processor, mixing the original painting data from the frame memory and the painting data from the painting data memory on the basis of the calculated value Z, and feeding the same to the frame memory 2 lines 55-67 and column 3 lines 1-15 and column 14 lines 4-13).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Perazza and sckendur to include computing a position of the nib from an observed prospective distortion on the image tag and a known geometry of pen of pen optics taught by Kotaki in order to generate contemporaneous digital copies of whatever is written.

As per claim 2, Perazza discloses in which said at least one parameter relating to the requested payment is associated with at least one zone of the bin and in which the method includes identifying, in the computer system and from the zone relative to which the pen(“i. e, suitable optical character reader”) see column 5 lines 30-35”) is located, said at least one parameter. (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

As per claim 3, Perazza discloses which includes receiving, in the computer system, data regarding movement of the device pen (“i. e, suitable optical character reader”) see column 5 lines 30-35”) relative to the bill, the pen sensing its movement relative to the bill using at least some of the coded date:, and
identifying, in the computer system and from said movement being at least partially within said at least one zone, said at least one parameter of the requested payment. (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

As per claim 5, Perazza discloses the method including further steps of:

receiving, in the computer system, data from the pen("i. e, suitable optical character reader" see column 5 lines 30-35") regarding an identity of a person associated with the pen identifying, in the computer system and from the data regarding the identity of the person the requested payment (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

As per claim 8, Perazza discloses in which the at least one parameter is an action parameter of the requested payment, the method including affecting, in the computer system, an operation in respect of the action parameter (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

As per claim 9, Perazza discloses in which the action parameter of the requested payment is selected from the group comprising:
requesting that payment be made, specifying a payment amount or resetting the bill to an original state (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

As per claim 10, Perazza discloses in which the parameter is an option parameter of the requested payment, the method including identifying, in the computer system, that the person has entered a hand-drawn mark by means of the pen ("i. e, suitable optical character reader" see column 5 lines 30-35") and effecting, in the computer system, an operation associated with the option parameter (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

As per claim 11, Perazza discloses in which the option parameter is associated with at least one of cardholder name, payment method or credit card type (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

As per claim 12, Perazza discloses in which the parameter is a text parameter of the requested payment, the method including identifying, in the computer system, that the person has entered handwritten text data by means of the pen("i. e, suitable optical character reader" see column 5 lines 30-35") effecting, in the computer system, an operation associated with the text parameter (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

As per claim 13, Perazza discloses which includes converting, in the computer system, the handwritten text data("i. e, suitable optical character reader" see column 5 lines 30-35") to computer text (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

As per claim 14, Perazza discloses in which the text parameter is associated with at least one of a cardholder name, an amount paid or a card expiry date. (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

As per claim 15, Perazza discloses in which the at least one parameter is an authorization parameter of the requested payment, the method including identifying, in the computer system, that the person bas entered a handwritten signature by means of the pen("i. e, suitable optical character reader" see column 5 lines 30-35") effecting, in the computer system, an operation associated with the authorization parameter. (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

As per claim 16, Perazza discloses which includes verifying, in the computer system, that the signature is that of the person (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

As per claim 17, Perazza discloses in which the authorization parameter is associated with payment authorization (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

As per claim 18, Perazza discloses which includes enabling the person to print the bill on demand. (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

As per claim 19, Perazza discloses which includes printing the bill on a surface and, at the same time that the bill is printed, printing the coded data on the surface (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

As per claim 20, Perazza discloses which includes printing the coded data to be invisible to an average unaided human eye (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

As per claim 21, Perazza discloses which includes retaining a retrievable record of each bill generated, the bill being retrievable using its identity as contained in its coded data (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

As per claim 22, Perazza discloses which includes distributing a plurality of the bills using a mixture of multicast and pointcast communications protocols (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

As per claim 23, Perazza discloses in which the pen contains identity data which imparts a unique identity to the pen ("i. e, suitable optical character reader" see column 5 lines 30-35") and identifies it as being associated with the person and in which the method includes monitoring, in the computer system, said identity (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

As per claim 24, Perazza discloses which includes providing all required information relating to the requested payment in the bill to eliminate the need for a separate display device (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

As per claim 25, Perazza disclosesin which the bill is printed on multiple pages and in which the method includes binding the pages (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

As per claim 27, Perazza discloses wherein:
a printer associated with the pen("i. e, suitable optical character reader" see column 5 lines 30-35") is caused to print a payment receipt after a payment has been completed (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

As per claim 28, Perazza discloses whereon the payment receipt comprises coded data indicative of the identity of the receipt (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

As per claim 29, Perazza discloses a system for enabling payment of bills, said system comprising:
a bill containing information relating to a requested payment, the bill including a plurality of tags, each tag containing coded data indicative of an identity of the bill and of a

location of that tag on the bill imaging (“i. e, suitable optical character reader” see column 5 lines 30-35”)
an optically imaging comprising:
a nib, generating indicating using the coded data contained in the image tag said indicating data regarding the identity of the bill and the position of a relative to the bill see column 5-7 lines 1-67 and column 18 lines 27-67) and a transmitter for transmitting the indicating data to a computer system;
and, the computer system for receiving the indicating data from the optically imaging pen and identifying, using the received indicating data, at least one parameter relating to the requested payment (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

Perazza fail to explicitly teach a nib of the pen.

However sckendur discloses provide a system that most closely emulates the use of pen and paper. Accordingly, the present invention proposes the use of a surface (paper) formatted with a position-related coding means for indicating X-Y coordinates capable of reflecting a frequency of light. The stylus (pen) has a light source of a frequency for illuminating the surface. The frequency of light is absorbed by the surrounding surface but reflected by the coding means back into the stylus onto a charge-coupled device (CCD) chip located within the stylus. The information is sent to a computer for processing and finally output to the user. The frequency(s) of light to be used depends on the application. For example, infrared light and light reflecting means can be used for hand writing on paper to be invisible and not interfere with the written text.(see column 4 lines 1-67 and column 5 lines 1-35 and column 2 lines 1-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Perazza suitable optical character reader to include a pen or nib of the pen taught by sckendur in order to generate computer data from obtaining and outputting the position and/or movement of a moveable element in a data space, in two or three dimensions, such as might be used for determining the position and/or movement of a pen on or over paper.

Perazza and sckendur fail to explicitly teach computing a position of the nib from an observed prospective distortion on the image tag and a known geometry of pen of pen optics.

However Kotaki discloses the operation processor includes a main processor for controlling the operation of the apparatus; a painting front-end processor for calculating interpolation values by processing pen coordinate values and pen nib pressure values from the input device when executing a command relating to pen painting, and delivering calculated values composed of center coordinate values of a circle painting unit and a radius "b" of the circle unit; a painting address operation processor for supplying addresses to the frame memory corresponding to the coordinate values of the input device; a Z-operation processor for calculating the distance "a" extending from the pixel address integer value Pn calculated by the painting address operation processor to the center value of the circle painting unit and the difference "c" between this distance "a" and the painting radius "b", and delivering the calculated values Z corresponding to the painting radius i.e. the nib diameter, by referring to a table with the calculated value "c"; and an anti-aliasing processor for receiving the calculated value Z from the Z-operation processor, mixing the original painting data from the frame memory and the painting data from the painting data memory on the basis of the calculated value Z, and feeding the same to the frame memory 2 lines 55-67 and column 3 lines 1-15 and column 14 lines 4-13).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Perazza and sckendur to include computing a position of the nib from an observed prospective distortion on the image tag and a known geometry of pen of pen optics taught by Kotaki in order to generate contemporaneous digital copies of whatever is written.

As per claim 30, Perazza discloses in which said at least one parameter relating to the requested payment is associated with at least one zone of the bill (see column 4 lines 1-67 and column 5 lines 1-35 and column 2 lines 1-67).

As per claim 31, Perazza discloses which includes the pen (“i. e, suitable optical character reader” see column 5 lines 30-35”)

the pen sensing its movement relative to the bill using at least some of the coded data. (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

As per claim 33, Perazza discloses wherein the computer system is configured for receiving form the pen data regarding identity of a person associated with the pen("i. e, suitable optical character reader" see column 5 lines 30-35") identifying from said received data a requested payment, the pen containing the data regarding the identity of the person (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

As per claim 34, Perazza discloses in which the coded data is also indicative of at least one parameter of the requested payment, the computer system receiving indicating data from the pen ("i. e, suitable optical character reader" see column 5 lines 30-35") regarding said at least one parameter of the requested payment, and the pen sensing the indicating data using at least some of the coded data (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

As per claim 35, Perazza discloses which includes the pen("i. e, suitable optical character reader" see column 5 lines 30-35"), the pen sensing its movement relative to the bill (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

As per claim 36, Perazza discloses in which said at least one parameter of the requested payment is selected from the group comprising an action parameter of the requested payment, an option parameter of the requested payment, a text parameter of the requested payment, or an authorization parameter of the requested payment (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

As per claim 37, Perazza discloses in which the action parameter of the requested payment is selected from the group comprising:
requesting that payment be made, specifying a payment amount, or resetting the bill to an original state (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

As per claim 38, Perazza discloses in which the option parameter is associated with at least one of cardholder name, payment method, or credit card type (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

As per claim 39, Perazza discloses in which the text parameter is associated with at least one of a cardholder name, an amount paid, or a card expiry date (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

As per claim 40, Perazza discloses in which the authorization parameter is associated with payment authorization. (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

As per claim 42, Perazza discloses in which the pen contains identity data which imparts a unique identity to the pen ("i. e, suitable optical character reader" see column 5 lines 30-35") and identifies it as being associated with a particular person.

As per claim 43, Perazza discloses in which the bill is printed on a surface and in which the system includes a printer for printing the bill on demand. (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

As per claim 44, Perazza discloses in which the printer prints the coded data at the same time as printing the bill or payment receipt (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

As per claim 45, Perazza discloses in which the coded data is substantially invisible (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

As per claim 46, Perazza discloses which includes a database for keeping a retrievable record of each bill generated, each bill being retrievable by using its identity as included in its coded data (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

As per claim 47, Perazza discloses in which, to cater for a bill printed on multiple pages, the printer includes & binder for binding the pages (Note abstract and see column 5-7 lines 1-67 and column 18 lines 27-67).

Conclusion

4. Applicant" s arguments filed on 7/1/2008 have been fully considered but they are moot in view of new grounds of rejections.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B. Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CG

/Frantzy Poinvil/
Primary Examiner, Art Unit 3692